



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of Audrey Goddard et al. Serial No.: 10/758,377 Filed: January 15, 2004 For: Compositions and Methods for the Diagnosis and Treatment of Tumor</p>	<p>Group Art Unit: Not yet assigned Examiner: Not yet assigned Confirmation No: Not yet assigned CUSTOMER NO: 09157</p> <p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p>February <u>26</u>, 2004 <u>T.E. Marrs</u> Tom Marrs</p>
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

- 37 CFR §1.97(b)**
- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); **or**
 - within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR§ 1.491, **or**
 - before the mailing of the first Office action on the merits; **or**
 - before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.
- 37 CFR §1.97(c)**
- by the applicant after the period specified in 37 CFR §1.97(b), but prior to the mailing date of any of a final action under 37 CFR §1.113, or a notice of

allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR §1.17(p) **or** a statement as specified in 37 CFR §1.97(e), as checked below.

37 CFR §1.97(d)

- after the period specified in CFR §1.97(c), and is accompanied by the fee set forth in 37 CFR §1.17(p) **and** a statement as specified in 37 CFR §1.97(e), as checked below.

[If either of boxes 37 CFR §1.97(c) or 37 CFR §1.97(d) is checked above, the following statement under 37 CFR §1.97(e) may need to be completed.]

- 37 CFR §1.97(e)** Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- 37 CFR §1.704(d)** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR §1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR §1.704.
- The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patents and BLAST results are set forth on the attached Form PTO-1449. Copies of most items are included. U.S. patents and patent applications are not included. Pursuant to a Patent Office waiver signed July 11, 2003, applicants are no longer required to submit copies of United States patents cited in information disclosure statements for applications filed after June 30, 2003 (1276 OG 55). Only the cover page of five of the foreign patents are included because of their enormous size (up to 2,000 pages long) and their accessibility on the internet. Applicants stand ready to provide copies of the patents at the request of the Examiner.

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BLAST results enclosed:

The undersigned also wishes to bring to the attention of the Examiner BLAST results. The BLAST results are provided in paper form and are identified by the database, search date, author, accession number, and publication date on the PTO Form 1449. Applicant requests that these references also be considered and that the Form 1449 be initialed to indicate the Examiner's consideration of the references.

A concise explanation of relevance of the items listed on PTO-1449 is:

- not given
- given for each listed item
- given for only non-English language listed item(s) [Required]
- in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR §1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR §1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 for this Information Disclosure Statement, or credit overpayment to Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

By:


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Date: February 26, 2004

FORM PTO-1449 'LIST OF DISCLOSURES CITED BY APPLICANT (Use several sheets if necessary)		U.S. Dept. of Commerce Patent and Trademark Office		Atty Docket No. P5002R1C1	Serial No. 10/758,377
				Applicant Goddard et al.	
				Filing Date 15 Jan 2004	Group 1642

U.S. PATENT DOCUMENTS

Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date
	1	2002/022248	21.02.02	Xu et al.			
	2	6,410,506	25.06.02	Wei et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials		Document Number	Date	Country	Class	Subclass	Translation Yes	No
	3	0 796 913 A2	24.09.97	EP				
	4	1 130 094 A2	05.09.01	EP				
	5	WO 00/07614	17.02.00	PCT				
	6	WO 01/51633	19.07.01	PCT				
	7	WO 01/54477	02.08.01	PCT				
	8	WO 01/73032	04.10.01	PCT				
	9	WO 01/90304	29.11.01	PCT				
	10	WO 02/30268 A2	18.04.02	PCT				
	11	WO 96/36709	21.11.96	PCT				

OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, etc.)

	12	Database: GBTRANS Search Date: 16-Jan-2004, "Accession No.: BAC26385.1" <u>Adachi et al.</u> , Pub Date: 16-Jul-2001
	13	Database: GBTRANS Search Date: 16-Jan-2004, "Accession No.: AAD55776.2" <u>Glynne-Jones et al.</u> , Pub Date: 18-Jan-2001
	14	Database: GBTRANS Search Date: 16-Jan-2004, "Accession No.: AAG49452.1" <u>Liang et al.</u> , Pub Date: 06-Mar-2000
	15	Database: GBTRANS Search Date: 16-Jan-2004, "Accession No.: AAH08973.1" <u>Strausberg R.</u> , Pub Date: 30-May-2001
	16	Database: GBTRANS Search Date: 16-Jan-2004, "Accession No.: AAH34850.1" <u>Strausberg, R.</u> , Pub Date: 29-Jul-2002
	17	Database: GBTRANS Search Date: 16-Jan-2004, "Accession No.: BAA87897.1" <u>Masato Horie</u> , Pub Date: 30-Aug-1998
	18	Database: GBTRANS Search Date: 16-Jan-2004, "Accession No.: BAA87898.1" <u>Horie, M.</u> , Pub Date: 30-Aug-1998
	19	Database: GBTRANS Search Date: 16-Jan-2004, "Accession No.: BAA90820.1" <u>Sakamoto, C.</u> , Pub Date: 20-May-1997
	20	Database: GBTRANS Search Date: 16-Jan-2004, "Accession No.: BAC11030.1" <u>Isogai et al.</u>
	21	Database: GBTRANS Search Date: 16-Jan-2004, "Accession No.: BAC36276.1" <u>Adachi et al.</u> , Pub Date: 16-Apr-2002
	22	Database: GENSEQ Search Date: 16-Jan-2004, "Accession No.: NP_057276" <u>Glynne-Jones et al.</u>

Examiner	Date Considered
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449		U.S. Dept. of Commerce Patent and Trademark Office	Atty Docket No. P5002R1C1	Serial No. 10/758,377
'LIST OF DISCLOSURES CITED BY APPLICANT (Use several sheets if necessary)		Applicant Goddard et al.		
		Filing Date 15 Jan 2004	Group 1642	
OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, etc.)				
23	Database: REFSEQ Search Date: 16-Jan-2004, "Accession No.: NP_062764" Horie et al., Pub Date: 2000			
Examiner		Date Considered		
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.				

